

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JAZZMINE ANDREA HUNTER,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAUL DAVID HUNTER,

Respondent-Appellant,

and

NICOLE POLS,

Respondent.

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UNPUBLISHED

January 13, 2004

No. 249975

Barry Circuit Court

Family Division

LC No. 02-006374-NA

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(d) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.794(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant properly placed the minor child under a limited guardianship when he became unable to care for her, but in two years' time he had not progressed on his Limited Guardianship Placement Plan to the point where he could re-establish a parent-child relationship with her. Respondent-appellant remained unable to assume the role of her primary financial provider and nurturer and did not make her his top priority. After the guardians separated and other events made the home a less desirable place for the minor child, a protective services proceeding commenced, and the guardianship was dismissed.

Respondent-appellant partially complied with his parent agency agreement over the next eight months, but the evidence showed that he still relied on his father for housing and financial assistance, did not show much interest in the minor child's development through play and reading, and did not demonstrate the tremendous level of dedication a parent must devote to a child. The evidence was clear and convincing that respondent-appellant was not able to re-establish the parent-child relationship and it became disrupted, leaving the minor child without proper care or custody. Given the fact that respondent-appellant had not become able to personally provide proper care or custody for the minor child for three years, the evidence showed that it was not reasonably likely that he would be able to do so within a reasonable time. See MCL 7.12A.19(3)(g).

While MCL 712A.19b(3)(d) was not cited in the termination petition, the extensive facts recited in the petition specifically alleged that failure to comply with the Limited Guardianship Placement Plan and consequent disruption of the parent-child relationship was a ground for termination. Therefore, the trial court properly relied upon §19b(3)(d) as a statutory ground for termination.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court noted that this was a very difficult case because respondent-appellant was intelligent, employed, had no apparent substance abuse issues, no mental or physical disabilities, and loved the child very much. However, over a three-year period of time, respondent-appellant had not made the minor child his top priority, and the trial court determined that termination was not against the minor child's best interests, but in her best interests. The evidence showed that the minor child suffered from attachment disorder, and that while under the guardianship and thereafter she had various caretakers and many people who loved her but no primary parent bond. The evidence showed that the minor child had the same relationship with respondent-appellant that she had with several others, and that terminating respondent-appellant's parental rights would not have a negative effect on the minor child. The evidence further showed that having no parent-child bond would have a long-term negative effect on the minor child's development.

Therefore, the trial court did not clearly err in terminating respondent-appellant's parental rights to the minor child.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard Allen Griffin  
/s/ Kathleen Jansen